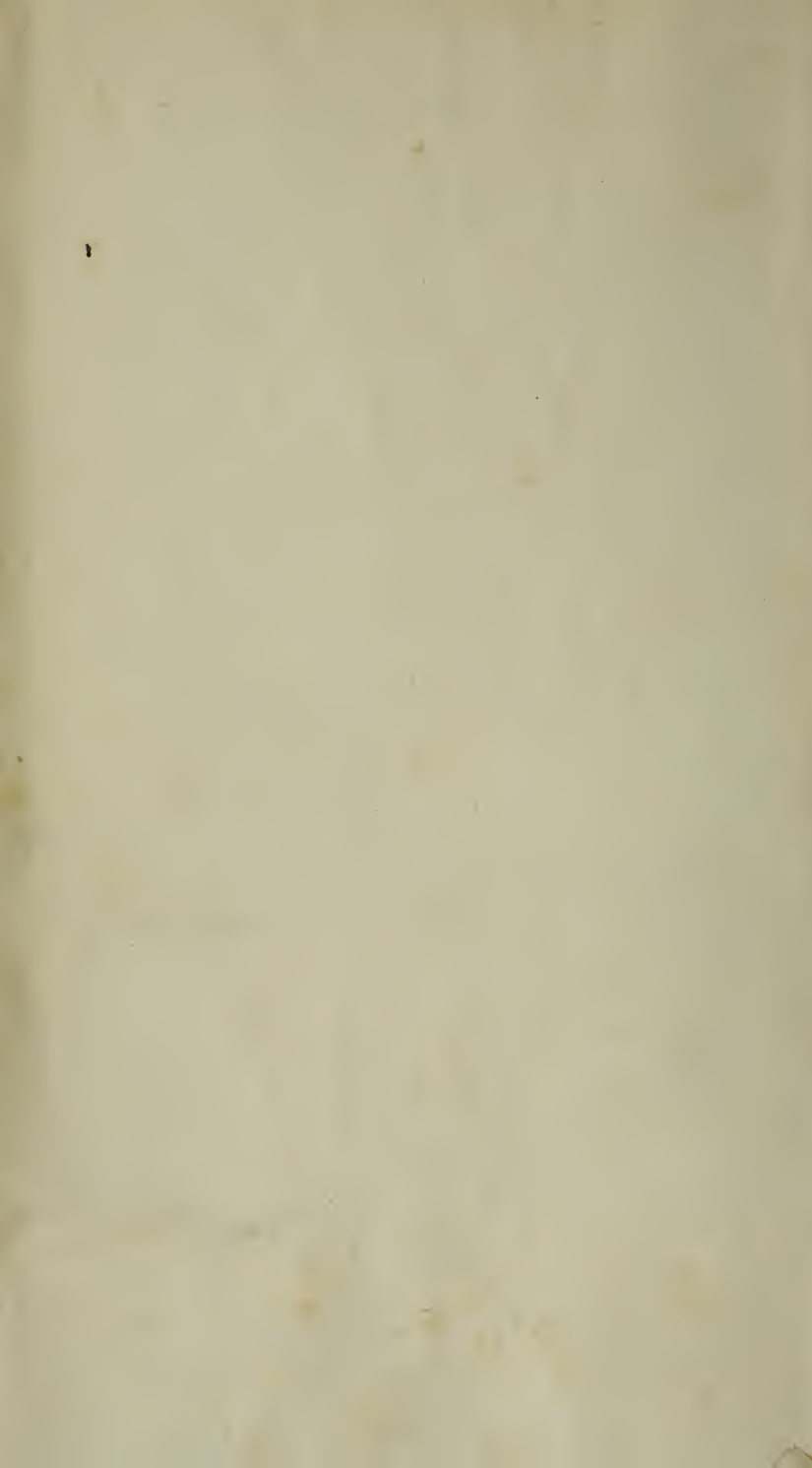


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THE GAME LAWS.

SPEECH OF MR. P. A. TAYLOR

IN THE

HOUSE OF COMMONS,

MARCH 2ND, 1880.

REVISED FROM THE REPORTER'S NOTES.

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HOUSE OF COMMONS, *March 2nd, 1880.*

THE GAME LAWS.

Mr. P. A. TAYLOR, who was received with cheers, said :
Mr. Speaker, I am sure the House will acquit me of having unduly pressed the question of the Game Laws upon their attention, considering the immense importance which, in my opinion, attaches to them. I observe, somewhat to my surprise, that it is as much as nine years since I last introduced the question of their abolition. Finding on that occasion that I met with but small, and that not increasing support, while there also appeared but little desire to discuss the question at all, I felt that I should be doing less good by wearying the House by an annual motion on the subject than by endeavouring to act on public opinion in the country, and I accordingly at once assisted in the formation of the Anti-Game Law League. I cannot claim full credit for not bringing on the question during the present Parliament, seeing that for the last two or three Sessions I have only been prevented from doing so by ill-fortune at the ballot. I am particularly glad, however, in having the opportunity of doing so now—first, because it is extremely desirable that in this last Session of an expiring Parliament the farmers, as well as other classes interested in the question, should have the opportunity, previously to the General Election, of seeing by the division list what course is taken by their representatives, and especially by the farmers' friends in this House—real or assumed. There is another reason why it is especially important that the question should now be dis-

Nine years
since the last
motion.

cussed, seeing that for the last two or three years the shadow of agricultural distress has again come upon all parts of the country. We hear on every side of bankrupt farmers, of lowered production, and of unsatisfactory prices, and it seems to me that it would be desirable that we should have an opportunity of discussing in this House whether this question which I have to introduce to your notice to-night, that of the Game Laws, is or is not an important element to be considered in the question of agricultural distress. I am not going at present to assert that the Game Laws are one of the causes of agricultural distress. What I propose to do is to discuss whether the Game Laws may not under certain circumstances be a potential element in agricultural distress. I will afterwards—if the question be settled in the affirmative—proceed to discuss the extent of their influence at the present time. Now I must admit that the farmers, generally speaking, so far as their views may be gathered from Chambers of Agriculture and other similar associations, do not seem to make a very strong point of the Game Laws in respect of agricultural distress. Perhaps that may partly proceed from what my hon. friend the member for South Norfolk (Mr. C. S. Read) thought so important in the position of these agricultural associations, that it was quite unnecessary for farmers to form themselves into independent bodies and farmers' alliances, viz. :—that in this agricultural discussion they had the enormous advantage of being under the presidency and influence of the local landed proprietor. I have certainly observed that where the farmers appear to be more free from these shackles of that powerful class interest, that they have spoken out with considerably more force, both with regard to the Land Laws and the Game Laws. I will, however, first proceed, with the permission of the House, to give a few reasons why I believe the Game Laws are a very active element in the question of agricultural distress.

I will first call into the witness box my hon. friend the member for South Norfolk, who, on opposing my motion on this subject in the year 1871, declared—

Agricultural depression.

Chambers of Agriculture.

What tenant farmers say.

“That the landlord might let a farm at a high rent, eat the tenant up with game, and ruin him, and yet be sure of every sixpence of his rent.”

I take it there is a potentiality in that statement very serious for the farmers' interests. Another rather distinguished tenant farmer, Mr. J. Sheppard, who gave evidence before the Committee in 1873, declared that—

“Landlords have it in their power to ruin a tenant simply by a little negligence in respect to game.”

Happy farmers! If they have a negligent landlord they may easily be ruined, and if they have a malicious one they are pretty sure to be. Again, the hon. member for South Norfolk says :—

“In a great number of cases of insolvent farmers in Norfolk, their ultimate ruin is attributable to the over-preservation of game.”

I think such evidence, on such authority, is amply sufficient to show that there is at least a potentiality tending to produce agricultural distress in this question of the Game Laws, but I will, with the permission of the House, add to this certain evidence which has lately been laid before the country through the newspaper press. Since this question of agricultural distress has been raised many organs of popular opinion throughout the country have sent Special Commissioners down to inquire into the subject, and I will read two or three lines from a letter of the Special Commissioner of the *Daily News*, who was sent to the county in which I now live (Sussex). He says, dating from East Grinstead :—

“It is principally of hares and rabbits that the greatest complaint is made, and by many farmers these latter are classed as vermin, the damage which they commit being, where they are allowed to accumulate, almost beyond measure, and their presence being altogether incompatible with even decent cultivation. But it is not the rabbits and hares only which are so annoying, for if the winged game do not of themselves commit any very serious injury, the keeping of them harbours rats, and wherever pheasants are fed, there, or else in the very near neighbourhood, will be found a colony of rats. The destruction of these pests is made the more difficult by the thickness and frequency of the cover afforded by the hedgerows, and this again is a cause of further complaint, besides the fact that the sporting landlord does not deem the damage committed by rats to be worthy of acknowledgment or compensation. The indifferent cultivation of the farms in this neighbourhood I have heard generally attributed to the preservation of game.”

Evidence of
the Press.

I will now trouble the House with a few lines of extract from a very important letter addressed by a land agent to the *Land Agents' Record*, which is, I believe, a valuable organ for all persons connected with the purchase or transfer of land. I am not permitted to give the House this gentleman's name, but I may say he is an agent in large practice in the Midland counties, and has had many years' experience. He says:—

“The relations of landlord and tenant at the present time are peculiarly interesting. Never within living memory have such a number of notices to quit been given by tenant farmers. The chief reforms required are the following: a very substantial reduction of rents; the introduction of liberal covenants, and freedom from game and rabbits. Many landlords would prefer making larger reductions in rent to giving up the game, but if they are wise they will not retain such a source of annoyance and heart-burning in their midst. No one but those who have suffered from game and rabbits know the mischief and loss they inflict, or the angry feelings they daily arouse. To say that thousands have been ruined by over-preservation within living memory is to state a simple fact that cannot be denied.”

I am not without hope that this view of the case may not now be without interest for the landlords themselves, seeing that the depression amongst the cultivators of the land has greatly diminished the demand for farms, while for those which continue occupied, greatly reduced rents have to be accepted.

“One great landlord,” says the Commissioner of the *Norfolk News*, “has now 5,000 acres on his hands; in every case game is the cause. An estate of 6,500 acres, of which 4,000 acres are on the landlord's hands, was lately put up for sale without finding a purchaser. Its prime element of value was that ‘21,000 head of game had been killed on it during the year.’ It is now come to this That the country will be uncultivated, or the head of game must be greatly diminished.”

I take it, sir, that I have now made good my first point, that the Game Laws are potentially, at any rate, a question of enormous importance in the discussion of the causes of agricultural distress.

But now what are these Game Laws that we are met to discuss? A number of gentlemen in this House speak of them as though they are very rational and reasonable laws, and as though if they did not exist now we should have to do our best to create them at the earliest possible opportunity. That is not my view, and I will venture to give the House

What are the Game Laws?

my explanation of what I understand them to be. They are laws which give a sanction to the old feudal principle of class privilege in regard to wild animals, permitting them to be used for the sport of one class. Of course their effect is not in any way altered because the feudal is not the only principle now, and because the Plutocracy has come in to share the privilege of the landed interest. I am not aware that the new landlords are likely to be any more careful of the interests of the farmers, or of the labourers, than the feudal landlords were in old times. Blackstone says, and I cannot do better than quote his words:—

“From this root (the Forest Laws) is sprung a bastard slip known by the name of the Game Law; both alike were founded upon the same unreasonable notions of property in wild creatures, and both were productive of the same tyranny to the commons.”

But the matter is worse than this: these wild animals belong to the community, they belong to the people of the country. Blackstone again upon this point says:

“It is indisputable that the wild denizens of the field, marsh, and forest, known to lawyers under the name *Feræ naturæ*, are the common property of men, be their degree what it may.”

The wild lands of the country, and the wild animals of the country, belong alike to the whole of the community, and if legislated for, can only be justly legislated for in the interests of the whole community. The peasant has just as much right as the duke to hunt and kill and eat the wild animals of the country, always provided he does no damage to the land on which they are killed.

Wild animals
belong to
the com-
munity.

I perceive that this doctrine sounds somewhat strangely in the ears of honourable gentlemen, but it is really a principle universally recognised, except where our ideas are mystified by theories about game and sport. I noticed, a few weeks ago a very sensible letter to the *Times*, written by Mr. Deacon, from Loughton, Epping Forest, in which, complaining of the wholesale destruction of small birds, and their consequent scarcity, he says:—

“Now, Sir, I hold that, morally, these larks were not the exclusive property of those who killed them. Wild birds are common property, and if this is not already clear in the eyes of the law, I think we ought not to rest until an amendment of the Wild Birds Act places it beyond all doubt for the future.”

But then this leads me to a more serious charge, and I declare that in my opinion I do not in the least exaggerate when I say that the Game Laws are a permanent statutory violation of the common law of the land, as they are of common justice and of common honesty. (Cheers.) They enable the landlord to say to the farmer, "There is land which I let you at a certain rent under certain covenants, but between the lines you must read this—that when you have your stock, your cattle, your bullocks, and your sheep, or whatever else you may choose, on the land—that then another stock is to come upon it in indefinite quantities at my pleasure, and the hares and rabbits, vermin to the farmers, shall be placed on the land as I choose; and that there shall be only this peculiarity in this kind of property, that you shall pay for them while they remain mine"—(cheers and laughter)—while to the labourer the landlord says much the same as his game-preserving predecessors said 800 years ago, when they made the New Forest, "Our chief pleasure in life is sport, and whatever it may cost to the country, or to you, we will maintain our privilege by our dominating power in the Legislature." (Cheers and laughter.) What the game-preserver of the present day does say to his labourer I will describe in words of more authority than mine—in the words of a landlord who is not ashamed to express sympathy for the peasant, and who, though a lover of sport, has no sympathy for the *battue*. The Marquis of Ailesbury, at his late rent audit at Savernake, thus describes the relations of the peasant to the game-preserver:—

Opinion of the
Marquis of
Ailesbury.

"He comes home to his cottage, and there is hardly enough to make a dinner for his wife and children; over the next hedge are a lot of half-tamed pheasants, and the temptation is too much for the hungry man, and he commits an offence which those wicked laws constitute a crime, for which he is to be sent to prison. How can any just man attempt to defend such laws? He did not often sit on a bench of magistrates, but whenever he had done so, and poaching cases had come before him, he had always treated them with the utmost leniency possible, because he felt the glaring injustice of the laws he was compelled to administer." (Hear, hear.)

Such, then, is our Game Law code; I should describe it by a word not usually agreeable to the ears of members of

this House—by the ugly name of confiscation. For my part, I see no reason why that term should not be applicable, because it is not the property of the rich that is so dealt with. Nor can it fairly be objected that this form of confiscation is legalised by statute. Many an act of confiscation has been sanctioned by the law. Let me give an illustration. There are numerous schemes for land-law reform floating rather vaguely through the country; amongst them is a plan greatly in favour with large classes of the community for what is called *nationalization of the land*—i.e., that the people should resume the land—that there should be, in fact, no absolute fee simple property in land. Well, now, I say that if that proposal were carried into effect without compensation to the existing owners, it would be an act of injustice and confiscation as great, perhaps, as has ever been perpetrated in the history of the world; but I cannot admit that it is any better when the property of the poor is taken for the benefit of the rich. This confiscation of the game is a sort of Socialism turned topsy-turvy, and not improved in the process. I am no Socialist, but I would rather be a Socialist than a game-preserved. Let us see wherein the distinction consists. The Socialist would by a system of artificial legislation take from the wealthy for the supposed advantage of the poor; under your Game Law system, you, by equally artificial legislation, take from the whole community, and especially from the very poor, in order to minister to the amusement and gratify the love of sport of the wealthy few. And this Game Law code of yours is in severity and injustice at this time unparalleled amongst civilized communities. There was a time when France and Germany equalled, if not surpassed, us in this bad pre-eminence, but 1789 swept away the French, and 1848 the German code. I remember a German friend telling me that, in his youth, he had seen the wild boars issue from the neighbouring forest, ravaging and ruining his father's little property, whilst they dared not raise a hand against them. This is no bad parallel to some instances that might be found in this country, of small inclosures surrounded by preserved

Confiscation
and Socialism.

Game Laws
and Revolu-
tions.

estates, though the *bores* are hares and rabbits. It has been said that, since 1848, the Game Laws in Germany have been renewed; this is far from the truth. Some slight reaction I believe there has been, but the existing laws bear no resemblance to those which it required a revolution to remove. In respect to France, it is well recognised that their barbarous Game Laws were not without effect in causing the revolution of 1789, and in embittering the feelings of the people against their feudal lords. Arthur Young, writing about a century ago, thus describes the face of France:—

“The sign of a Grand Seigneur being landlord are wastes, landes, deserts, and ling. Go to his residence, you will find it in the middle of a forest peopled with deer. Oh, if I were legislator of France for one day, I would make these lords skip again.”

With sad celerity those unhappy game preservers had to skip from game preserve to guillotine.

I am aware that it is commonly said that all countries have their Game Laws like ourselves, and a blue-book was issued some years ago containing the reports, chiefly I believe from our consuls abroad, of the Game Laws existing in the various countries in which they were residing. I shall not trouble the House with any details on this part of the subject, but shall content myself with saying that I believe any one reading those reports with unprejudiced discrimination will come to the conclusion that our Game Law code is unparalleled in the world for its severity and injustice. For it must be borne in mind that all the surrounding elements have to be taken into consideration. It is of little use to give merely a schedule of the existing Acts upon the subject in the different countries: we have to consider also whether they are more or less obsolete, or in active operation, and not less the area of the country, cultivated or wild, the comparative population, with many other parallel considerations. But I must not forget America—my hon. friend the member for South Norfolk (Mr. Clare Read) I see has been informing his constituents that they have Game Laws in America. For this and similar observations I have seen my hon. friends, the members for South Norfolk and South

Foreign Game
Laws.

America.

Leicester (Mr. Pell), likened to the "Innocents Abroad." I cannot applaud this as an appropriate joke; to me it seems rather that they placed far too much reliance on our innocence at home. (Laughter.) But doubtless my hon. friend will give us presently some strong corroborative evidence of the survival of feudal privilege in Republican America. He will produce a list, no doubt, of the farmers imprisoned and subjected to hard labour for snaring a rabbit just outside their boundaries. He will tell us of the number of labourers condemned to penal servitude—that we may compare them with the 10,659 convictions for offences under our Game Laws in the last return! But seriously I must assure my hon. friend that he is under an entire delusion upon this matter. All such laws in the United States are *State* and not Imperial laws, and it may seem somewhat bold to answer for them all, but I will venture to give that challenge to my hon. friend, and to assert, without fear of disproof, that there is not a Game Law in existence from one end to the other of the United States—I mean, of course, in the sense in which we speak here of Game Laws, or in which alone the term has any meaning. They have in America laws for the protection of wild animals, as indeed we have here, quite irrespective of our Game Laws, and they protect chiefly by close breeding time the whole of the *feræ nature* of their country, in the interests alike of science and the picturesque. But these are not Game Laws, and being in harmony with the sentiments of the population, although the penalties in some of the States are very heavy, twenty-five dollars for the destruction of a sparrow, they excite no ill-feeling, as convictions are practically unknown. When the late lamented Mr. Motley was ambassador to this country, at a time when I was gathering information on this subject, I was fortunate in procuring from him a letter, a few lines from which, with the permission of the House, I will read. After describing the existing laws for the protection of wild animals in America, he goes on to say:—

"Practically, however, this legislation is in the interest, not of an aristocratic class—for there is none in the United States—but of the

farmers and labourers, who own the land, and who do not object to its being shot over, except when the trespasser by so doing damages growing or standing crops. Our Game Laws are not aristocratic, but democratic or scientific."

My hon. friend the member for South Norfolk appears not to be entirely satisfied with the demeanour of the lower order of Americans. He thinks they are too independent and not respectful enough. There is no question that the perennial virtue of "booming and booming" made classical by Sir Pertinax MacSycophant is an amiable one, and one which appears to be very consonant with the British Constitution.

"Booming and booming."

No doubt the American working-classes would be more agreeable to English travellers if they had more of it. But what then? My hon. friend is too generous, because Americans do not possess every virtue by which we are distinguished to deny them others to which they may lay claim, amongst which I would venture to suggest to my hon. friend is a high self-respect, national and individual, which would make it impossible for any power in the world to subject them for one day to our Game Laws. (Cheers.) I can tell my hon. friend and hon. gentlemen opposite that amongst the things which astonish educated Americans when they come here—for many of them have told me so themselves—is the theory and practice of our Game Laws. They cannot understand that there should be a class in England that seeks to maintain them, and, worse still, a population that will endure them. (Cheers.) That to them is one of the most astounding things they meet with on this side of the Atlantic. (Hear, hear, and cheers.)

The traffic in Scotch shootings.

As regards the question of the extent of this traffic in game I had a curious illustration in a circular sent me the other day. It appears that large profits are made by the letting of land for game, and this circular comes from a shooting agency in Fleet Street. I am told that there are others, and that this gentleman is by no means one of the largest, yet he has for patrons two dukes, six earls, four lords, ten baronets, plenty of esquires—and all Scotch proprietors. The shooting he offers amounts to nearly a million square acres sacrificed

to game ; some of the conditions of which he speaks in regard to the various properties are instructive and amusing. Mr. So-and-so—

“ Will send his list post free to a carefully selected list of gentlemen, numbering several thousands, and embracing most of the aristocracy, the members of the House of Commons, and the leading professional and mercantile men over the kingdom.”

These are the notes in which he describes the various properties he has to let :—

(No. 1.) “ Securely fenced off from sheep.”

(No. 2.) “ Facilities would be afforded by the proprietor for gradually removing the present sheep stock.” (Cheers).

(No. 3.) “ Episcopal church on the property, where a clergyman generally officiates — during the sporting months.” (Cheers and laughter.)

(No. 4.) “ The forest is amply stocked with deer, having been cleared of sheep for 40 years. It is stipulated that no sheep shall be kept on the ground by the lessee. The proprietor reserves power to destroy hares and rabbits for the protection—(cheers from the Ministerial benches)—yes, for the protection of his young plantations.” (Loud cheers and laughter.) Deer v. Sheep

Yes, of course, he would destroy the hares and rabbits to protect his young plantations. If he were as ready to destroy them to protect the crops of his farmers, hon. gentlemen opposite would have more right to cheer.

(No. 5.) “ The land as a whole would form an excellent deer forest being in the immediate neighbourhood of lower cleared land.”

Oh, happy farmers! who enjoy the lower cleared lands where this deer forest is to be created.

(No. 6.) “ No keepers required, as estate is surrounded by carefully preserved lands.”

Does it not strike hon. members that this is one of the most remarkable illustrations that could possibly be made by the statement that in politics, as in other things, extremes meet?

Here we have in this little island of ours, from the effects of what you may call over-civilization, from the enormous accumulation of wealth, from our manufactures, from the monopoly of land, and from various other things, precisely those evils reproduced that hitherto have only been supposed to exist in the wildest and most desolate regions, and amongst the most savage of barbarians. When we see The Red Indian.

accounts of the Red Indian driven back by the Anglo-Saxon in America—back from the lands that his forefathers owned, back and still farther back—we pity him, for it is all that we can do. We recognise as a fatality of history that the savage must pass away before the Anglo-Saxon and civilization. Agriculture has to be spread ; cities have to be founded ; arts and sciences follow in their wake ; and how can the Red Indian live with them ? He requires thousands and tens of thousands of acres of prairie for his buffaloes to roam ; he needs a trackless forest, for the wild animals on which he lives and by whose skin he is clothed ; he requires for his own wants what would provide for perhaps ten thousand men, and so he must pass from the world. But what shall we say when we come to our own little island swarming with humanity as ants swarm in an ant hill, and find that here we have a system which is incompatible with the existence of the Red Indian in America actually growing up on our own shores ? (Cheers.) Estates, parishes, divisions—yes, even counties in Scotland—are being sacrificed to this passion. Tens of thousands of acres which would at least grow sheep, and in some cases, such as the well-known case of Glen Taner, valleys well fitted for agriculture, and where in fact some hundreds of industrious tenants had to be displaced as sacrifices to this passion for sport. (Cheers.) These game-preserving magnates are as much out of their place—nay, far more out of it—than the Red Indian in the backwoods of America. They are in a false position, and for the sake of themselves and their country, the sooner they come out of it the better, for the people will not long permit such an anomaly, such an injustice, even although wooed by the siren strain of that well-known couplet, which I will venture slightly to paraphrase, and say :—

“ Let wealth and learning, laws and commerce, die,
But leave us still our game monopoly.”

(Loud cheers and laughter.)

I propose now to say something in regard to the amount of damage done by game to various classes of the community, and I will begin with the farmer. My own opinion would be,

Damage to the
farmer.

of course, no value upon this point, for I am no agriculturist, but I will give some statements from those who are authorities upon the question, and it appears indubitable from what they say that the amount of damage is in some localities so great as to be positively incalculable. I will first quote the evidence given before the Committee of 1873 by Mr. Wright, a valuer in the county of which I have the honour to represent the chief town, Leicestershire. He says that he allowed between £800 and £900 to one tenant, and that on some parts of the land the allowance was £12 to £13 an acre. Mr. Hewitt, at the Sussex Chamber of Agriculture, said, as regards rabbits, that—

“Last year he made a valuation of a certain farm for the damage done by rabbits. He put it down, and was confirmed in his opinion by others, at £25 per day. These rabbits entirely destroyed the crops, and the farmer had to plough up his fields.” Rabbits.

And now for hares. I quote from the Agricultural Commissioner of the *Daily News*, writing from Lincolnshire (October, 1879):—

“Game depredation means that anywhere in the neighbourhood of coverts you get three quarters of barley per acre instead of five. Your wheats are damaged by hares and rabbits in a way which makes the estimation of damage rather difficult. Riding past a crop you might think it level and upstanding; but go into it, and you find innumerable tracks leading to plots which are eaten down and thus cleared as playgrounds. Rabbits nibble the roots and stems of young quick, and destroy scores of yards together of good hedgerows, in addition to which the keepers ruin the hedges in innumerable places in digging after the ferrets when catching rabbits.” Hares.

Now, my hon. friends the members for South Norfolk and South Leicestershire must be able to correct me if I am wrong in all this, and if I am not, I want to know what alteration they have to propose. (Cheers.) The Agricultural Commissioner of the *Daily News* says again:—

“I heard of one case in which a field of turnips, lying far away from any other roots, was wholly consumed by flocks of hares, inasmuch that the tenant, in an ironical mood, wrote this note to the landlord: ‘Please send a load of turnips, or the hares will starve.’” (Loud cheers and laughter.)

Here is a statement with regard to a gentleman, whose name I will not mention, but who is well known in a certain part of Yorkshire. Of him it is written—

“In this district we are almost surrounded by rabbit preserves. Mr. F. actually eats his tenants up, and one of them, not long ago, during a snowstorm, kindled fires in the turnip fields to keep off the hares. The report is in most people’s mouths that he actually buried 200 rabbits rather than reduce the price to his game dealer, while within a few miles hundreds of poor weavers were starving.” (Loud cheer from the Opposition benches.)

At a lecture given in Hampshire, at the Botley Farmers’ Club, on “Hindrances to Agricultural Progress,” at which, as the farmers were not under the influence of the landlords they seem to have thought game an evil, one gentleman said :—

“There can be no doubt that the loss by game of agricultural produce, irrespective of the impediments to the cultivation, is enormous. It is not disputed by practical men that at present only one farm in five can be rented free of the game, and probably this freedom applies only to one-eighth of the leased land in the kingdom.”

Compensa-
tion.

But people say that so far as the farmer is concerned he has compensation if he can prove damage. Well, in the first place, I must premise that this is not simply a question between the landlord and the farmer. Even supposing that the farmer can be satisfied with the compensation which he receives, the country and the labourer would still remain to be reckoned with. But everybody who has ever studied the matter knows for a fact that compensation to the farmer for loss by game is simply a sham. (Hear, hear.) Mr. Gray, of Dilston, declared that he never knew a farmer to get half what he was entitled to; and a farmer must be a very prosperous man if he can bear to venture into the law courts against his landlord. Here is what happened to one of them. I quote from a speech of Mr. F. Johnson, at the East Riding Chamber of Agriculture, in May, 1879 :—

“The owner of the estate lived far away, and the shooting got into the hands of a lot of lawyers, who soon had it filled with ground game. One of the tenants was noted for his trim well-kept hedges; they were like garden fences. These were all pulled up by the game preservers, and stuck into the ground to prevent poaching by nets. Sheep grazing in the field got the thorns fast in their wool, and they became almost wild with the annoyance. The farmer, too, was almost wild with the damage done to his growing crops. (Laughter.) He got the damage valued, and sued the parties, getting a satisfactory verdict; but the lawyers took the case to a higher and more expensive court, and there the original verdict was reversed. (Loud laughter.) The farmer was

condemned in all costs, and he was financially ruined, finishing all up by taking poison." (Renewed laughter on the Ministerial benches.)

I am very sorry that the fact of a farmer being driven to suicide by these Game Laws should be a matter for laughter amongst honourable gentlemen on the opposite benches, who, I thought, always prided themselves on being the farmers' friends. (Hear, hear, and loud cheers.)

Sympathy
of the
"Farmers'
Friends."

A Warwickshire farmer—a tenant of an hon. member of this House—writes to the Anti-Game Law League that—

"Having no clause in his agreement reserving game, he is eaten up and nearly ruined by rabbits, &c."

He threatens proceedings, and is told by the agent that he will be dragged from court to court till his purse is empty. Finally, he is told that if he will promise in writing not in any way to interfere with the game or the keepers, 5 per cent. will be deducted, or 2s. per acre, from his half-year's rent now due. He adds in his letter—

"If I had no family I would spend my last shilling as free as rain rather than suffer the injustice I am suffering." (Cheers.)

But then we are told that this can be dealt with by freedom of contract. I have already pointed out that even if the farmers were satisfied it does not follow that the country should be; but I may also say that there are various kinds of freedom of contract, and there are various ways of acquiescence in a particular course. The freedom of contract allowed to the farmer is of much the same kind as the freedom allowed to the convict when the hangman taps him on the shoulder, and points the way to the gallows. He does not resist; he says not a word, and he goes quietly because he knows his case is settled. (Cheers.) Be it remembered there is no class in the country whose position is more hopeless than that of the farmer. A trader can take his capital and invest it in some other business, but the farmer usually knows no other trade than that to which he has been brought up, and he must put up with any injustice or to be turned out of his land, and left to his only other remedy—that of emigration. A most amusing illustration of the idea that farmers are free to contract is shown by the condition of the Scotch and the English Game Laws.

Freedom of
Contract.

Exceptional
position of
the farmer.

Here, if a lease is silent respecting game, the property in it resides in the occupier ; in Scotland, if there is no clause in the lease, it resides in the landlord ; and nobody cares twopence whether it is the one or the other, simply because the absolute power is in the will of the landlord. If the law gives him the game he keeps it, and if it does not he takes it.

The noble lord the member for the Haddington Burghs (Lord Elcho) is a great stickler for the rights of contract, and, from the line of examination which he pursued before the Committee (1873), is evidently of opinion that the landlord should get all he can for his property, and that if he can get more money by growing deer than by growing corn or sheep he is perfectly free to do so. That is a novel way of asking a question often asked before, "Am I not entitled to do what I like with my own?" It is scarcely worth while discussing that question now. But the question may be answered in one of two ways: First, you may not do what you like with your own ; or secondly, you may do what you like with your own, but your land is not the sort of property with which you can do as you like. I will only add further that the legitimate conclusion to be derived from this theory of the rights of contract, so interpreted, is the pressing necessity for a radical change in our land laws.

Then we are told continually that we are interfering with the sentimental relation between landlord and tenant, and disturbing that blessed harmony which is supposed to exist between the two. Those who talk in that sort of way must be rather surprised at the number of cases in which there have been meetings of farmers to express sympathy and to give testimonials to evicted farmers. I take it that the case of Mr. Hope, of Fenton Barnes, is not forgotten in the farming world, and I may add to that two little illustrations which I have on my notes. I beg the House to excuse me if I make too many quotations, but I am in this dilemma: on the one hand I do not want to have it said that I did not prove my assertions, and, on the other hand, I should be very sorry to think that I was wearying the House. (Loud cheers.)

Mr. Clayden, an Essex farmer, holding a thousand acres, whose family have been seventy years on the farm, was

"May I not do what I like with my own?"

Evicted farmers.

evicted because he would not submit to a clause preventing him from shooting rabbits or catching rats in banks. Mr. Clark, a tenant farmer in Norfolk, said at his auction—

“My fathers have resided here nearly a hundred years; I leave because, in my landlord’s own words, I have been disposed to discuss the question of game. I trust that the time is fast approaching when the tenant farmers will support each other in this matter.”

Now I call upon my hon. friends the Members for South Norfolk and South Leicestershire, to stand forward as the champions of that cause. (Cheers.) So much for the effect of these laws upon the farmer.

Next let me say a few words as to the labourers. I have endeavoured to divide what I have to say into various portions, so as to show how these laws affect various classes in the community; but I am quite aware that it is very difficult to make that division effective, because these divisions must necessarily run into each other. That which is injurious to the farmer cannot be beneficial to the community or to the labourer. Still, I make this division for convenience, and I will repeat myself as little as possible. (Cheers.) Now, with regard to the labourer, what strikes one first is their evident tendency to limit his enjoyment in the land of his birth to the roads and highways, as has been frequently deplored by my right hon. friend the member for Birmingham (Mr. Bright). Again, as has been pointed out by Mr. Arch, the eloquent defender of the rights of his class, these laws not only destroy the produce of the labourers’ gardens, but they make the very existence of small freeholds almost impossible, these little oases of freedom being naturally eyesores to the neighbouring landlords. No more is it open to the labourer or his family to wander by the brook or in the glen in search of flowers, blackberries, or birds’ nests—the man himself is charged with poaching, and his family at least, disturb the game.

But above all, the damage done to the labourer is that these laws are wholesale manufacturers of crime. Upwards of ten thousand criminals suffered last year under these laws. Nothing more disastrous can be done to the community or to humanity than to make people disrespect the law, by setting

The labourer,

Mr. Joseph Arch.

the law to punish, as a crime, that which their conscience does not tell them is a sin. They may indeed go innocently into the jail the first time, but *facilis descensus averni*, and having been there once, they are pretty sure to go there again.

Poachers not
thieves.

“Oh,” I have heard gentlemen say, “poachers, scoundrels, thieves! if they don’t take our game they would take our poultry, or something still more valuable.” (Loud cheers from the Ministerial benches.)

I am very sorry to hear that cheer, because the assertion is one utterly without foundation. There is no class in the country at the present time which regards poaching as a crime, any more than smugglers in the old days of the revenue law regarded smuggling as a crime. If hon. gentlemen believed that a poacher was a common thief, would they be so anxious as they notoriously are to secure his services as a gamekeeper? It would really be an insult to the country gentlemen to say that they believed that an offence against the Game Laws is a crime, seeing that it is one they are continually committing themselves.

Gentlemen
poachers.

Mr. Young, Secretary to the Board of Excise, said, in his testimony before the Committee: “A great many gentlemen shoot all the year round without taking out a license.” (Hear, hear, and laughter.) I had once a list sent me of gentlemen who had shot without a license—of gentlemen not unconnected with hon. gentlemen whom I see before me. What does a country gentleman do if he wishes to have a great head of pheasants? He obtains them or their eggs from somebody—I will not say he steals them, because that would be to accuse him of a crime—but I will say he procures them. (Loud laughter.) Lord Stradbroke, writing to the *Times* two or three years ago, says—

“Only yesterday a box containing pheasant’s eggs was sent from a station in East Suffolk, addressed to the gamekeeper of a noble Earl in Scotland, and I can prove that such boxes are continually sent by a notorious receiver to different places in England.”

A writer in the *Times*, of the same date, says—

“To show the enormous extent this nefarious trade is carried to yearly, I know a London gamedealer who has just received an order to supply a nobleman with 10,000 pheasants’ eggs.”

Now, I say it would be a libel on the country gentlemen of

England who are addicted to this practice if I did not maintain that they themselves do not think poaching a crime. (Hear.) The other day a chairman of a bench of magistrates was fined, at the Pershore Petty Sessions, for a breach of the Game Laws, for killing pheasants three weeks before they were in season. It may be asked, was there not a great outcry of public opinion? There was. (Hear, hear.) But the public opinion was not against him for violating the Game Laws, which he was there to administer, and, I am told, was wont to administer with something more than usual severity; his neighbours were angry that he should do so mean a thing as to shoot, before the time, pheasants reared at the barn door, which had not been turned into a preserve, and hunted into partial wildness. The Chairman of the Board of Conservators in Wales, writes:—

“My experience is that every one, from the highest to the lowest, has a sympathy with the poacher, and willingly purchases without asking questions. I could tell you of clergymen, medical men, leading solicitors in a large way of business, tradespeople, and others, who all supply themselves from this source.”

Is it not rather mean, with evidence such as this before us, to brand the lowest class of poachers with being criminals and thieves? I think it is hardly worthy of gentlemen. (Cheers.)

I have already said that I believe our Game Law code to be unparalleled in the civilized world for injustice and severity. I will now proceed to show that it has no parallel in our criminal code for the severity with which it is administered, for the partiality of its tribunal, and for the absolute illegality with which it is frequently enforced. And, first, for the violence with which it is administered; a violence which would be astounding, were we not unhappily too much habituated to its recurrence. Shakespeare tells us—

“Things bad begun make strong themselves by ill,”

and surely nothing but laws so infamous could call for such outrageous execution of them. I will trouble the House with but one or two cases out of the legion that I might adduce—

BRIDLINGTON PETTY SESSIONS.--Two poachers were charged with night poaching, and Green, a game watcher, was charged with shooting one of them. Stanning, a keeper, called to Appleby, a poacher, to stop, or he would “warn” him. He then ordered Green to fire, and Green took

Violence of keepers.

deliberate aim at Appleby, who dropped down. He was examined by Dr. Alison, who found that he had forty-eight gun-shots lodged in his thigh, back, and the right side of his head.

That is hardly the way in which the law should be administered in a civilised country—to say nothing of a Christian country. (Loud cheers.)

CHELMSFORD ASSIZES.—Samuel Musk, a head keeper, was watching with his under keeper, Horsenall, and two other men in a wood. A couple of mock pheasants had been placed in a tree, and the keepers were near the spot. About half-past one in the morning they saw several men coming up the ride, who went towards the tree where the mock pheasants had been placed, and directly afterwards shots were fired.

Now, a great deal has been said against England as a nation of shopkeepers, but this is surely much worse than mere shopkeeping. If a tradesman hung up pewter spoons made to imitate gold ones, and, when a thief came to steal them, he fired at him, he would surely be hung if the man so shot died of his injuries. Here is a case from Mildenhall, in Suffolk—

John Wharfe, keeper, said: On the men seeing him they ran off. He then let loose an immense mastiff, 22 inches high, partially muzzled, which succeeded in catching Mutum, and pulled him down. Whilst Mutum was defending himself from the attack of this dog, which Wharfe, the keeper, admitted was a ferocious one, he was struck on the head, stunned, and secured. Prisoners said they had both been bitten by the dog, and Mutum complained of being severely struck by Wharfe, whilst trying to keep the dog off. The Bench, in consideration of the severe punishment they had received from the keepers, mitigated the punishment to two months' imprisonment, and sureties for twelve months.

(Loud laughter and ironical cheers.) We have all heard, I suppose, of the cases in Wales last year, which really, in some parts of the country, almost amounted to civil war on a small scale. There was a fight between the keepers and the poachers, and the latter barricaded themselves in a stable, and were besieged. A correspondent of the *Times*, writing from Barbadoes during the administration of Governor Pope-Henessey, says (and in speaking of Mr. Henessey I should like, in passing, to pay him my humble tribute of respect in that, to whatever Government he may be appointed, he seems to carry with him the spirit of justice and humanity to the people over whom he is placed. (Loud cheers.) The *Times* correspondent writes:—

“I have heard but of one complaint against the troops. It was that of a planter, who declared that the soldiers had misbehaved themselves

because, though his rabbits and pigeons had been stolen, they had not shot a single nigger."

That unfortunate planter was in a wrong position. He should not have been a planter in Barbadoes, but a landlord in England. God knows we show little respect in shooting our niggers when after rabbits or pheasants—so little, indeed, that Canon Kingsley, no hater of the aristocracy or true sport, was stung into writing, in his well-known ballad of the "Poacher's Widow," what honourable gentlemen opposite may perhaps deem a severe condemnation—

"There's blood on your new foreign shrubs, squire,
There's blood on your pointer's feet ;
There's blood on the game you sell, squire,
And there's blood on the game you eat."

In further testimony to the exceptional severity of these laws, I will quote the evidence of Mr. Marsh Phillips, then Under Secretary for the Home Department, before the Committee of 1846. He said—

Severity of
the Game
Laws.

"I am not aware of any case except under this Act (the Night Poaching Act) of magistrates having the power to impose imprisonment with hard labour in default of finding sureties."

But this is not the worst. Their administration is distinctly tainted with absolute illegality. Perhaps hon. gentlemen may say that for this at least there is a remedy, in the shape of an action against the justices, or an appeal to the Home Secretary. I must say that those who can say this sincerely only betray their ignorance of the condition of things in our agricultural districts. Without knowledge, without funds, without any public opinion to seek support from, the peasant must and does submit to every wrong he suffers in such cases. I must trouble the House with one or two instances of the positive illegality to which I have referred. The first case is one which, perhaps, I should rather term *quasi* illegal than positively so, but surely to hold out a premium to perjury should be very near the borders of illegality—

"At the Loughborough Police Court a gamekeeper told the judge that his employer, Lord St. Maur, allowed him £1 for every conviction he obtained for night poaching. The judge expressed his surprise, and on being told that it was the custom, said he was sorry to hear it. It was holding out a premium to gamekeepers to perjure themselves; it was a very frightful thing." (Hear, hear, from the Ministerial benches.)

Temptation
to perjury.

The next case I will mention was at Lewes, just two years ago, before the Lord Chief Justice. It appeared that when the keepers went out to watch they took with them a large dog to hunt poachers, which ran after them, and attempted to bite one of them. Hitherto, we have thought that the use of dogs for hunting men had ceased, even in the interior of Jamaica. It seems we were mistaken. The Lord Chief Justice then observed that the use of a dog for such a purpose was most improper, and if keepers were proved to have allowed a savage dog to worry a man, although he might be a poacher, they would get themselves into serious trouble. (Hear, hear, and cheers from the Ministerial benches.) Only, unhappily, it appears that these keepers never do get themselves into serious trouble. (Loud cheers.) Later on it appeared that after a scuffle between the keepers and three men who were trespassing in search of game, that the latter ran off, followed by the keepers, and one of the keepers knocked a poacher down who was running away. The Lord Chief Justice again interfered, and told the keeper he had no right whatever to do that. He had no doubt that the stick used was not a light one, and he might have killed the man. If he had, his offence would at least have been manslaughter, and possibly something even more serious. He advised the keepers to be careful in future, and not to repeat such acts of violence. (Loud cheers from the Ministerial benches.) But why this squeamishness on the part of hon. gentlemen opposite? Surely their expression of feeling is out of place. Do they deny that they send out bands of armed watchers to arrest and fight the poachers, and if they do, they admit all that has here been said?

Here is another case, tried only last month at Liverpool, before Lord Coleridge. The poacher ran away. He usually does run away, and indeed, if he can get off, he of course prefers to do so. The gamekeeper fired at him, and hit him in the back; another shot was then fired, but he could not say whether it hit him or not. He went into the wood and became insensible, and lay there until he was found some time after by the keeper. After he recovered of his wounds, we are told, he was brought up—it seems a little bit of grim

Murder or
manslaughter.

pleasantry—and imprisoned for 14 days for poaching! Now I will not believe that there is an hon. gentleman present, game preserver or not, who, when an abstract case of this kind is thus put before him, does not feel a thrill of indignation that a human being—to say nothing of a British citizen—should be shot down like a dog for hunting rabbits at night. All honour, then, to Lord Justice Coleridge, who, in sentencing the gamekeeper who thus wounded the poacher, said that although poachers were engaged in a pursuit that was a violation of the law, their lives must be protected, and sentenced the gamekeeper to twelve months' hard labour. That, surely, was not a great punishment for a deliberate attempt to murder. If that poacher had died, I know no reason why that man should not have been put in the dock and tried for murder, and why his employer should not have stood by his side as an accessory to murder before the fact. In truth, one great advantage of the abolition of the Game Laws would be that the door which opens on the gallows would no longer be slammed in the face of such unquestionable deserts.

Should the preserver be put in the dock?

I cannot resist the pleasure of again quoting the Marquis of Ailesbury:—

“No one had enjoyed in the past a day's shooting more than himself, but as for the whole battue system, he abhorred it. The Game Laws which had rendered this system possible, were hateful, and always had been hateful, in his eyes. Half the crimes of violence in the country were directly due to these pernicious Game Laws. For his own part he had never ceased to inveigh against them. He had always protested against the high preserving of game carried on in his brother's time on the Savernake Estate. When, through these iniquitous laws, four persons had lost their lives in that neighbourhood (two policemen murdered, and two men hanged for the murder), he said to his brother, ‘Thank God, it was not on our estate. How could we ever have justified ourselves in our own eyes again had our game preserving brought about such a horrible catastrophe?’”

And now a few words upon the enormous and prodigious penalties by which they are enforced. I will not trouble the House with many illustrations, but I must quote two or three. An old man named Harrison was charged at the Evesham Petty Sessions with having shot *at* a rabbit near his allotment ground. That was surely not a very severe offence, and the defendant was strongly recommended to

Enormous penalties.

mercy by the complainant, on the ground that he had served his country as a soldier with credit. For this offence the poor old man was sentenced to pay 40s. and costs. In default of payment he was sentenced to two months' hard labour in Worcester gaol. (Sensation.) I may mention for the comfort of hon. gentlemen opposite, that the fine was afterwards paid and the man released.

The *Scotsman* reports the following case:—

“A farm servant, named Garcock, was charged before the Sheriff of Aberdeen with trespassing in pursuit of game. A hare had been started by some women who were at work in a harvest field with the accused. Two dogs chased the hare, and were followed by Garcock who, on going up and finding the animal killed, placed it behind a dyke and directed a gamekeeper to the spot. The Sheriff said the breach of the law was only technical, but he was compelled to inflict a penalty. The defendant was fined a shilling and ordered to pay £5 expenses.”

(Hear, hear.) Here is another case, at the Epsom Petty Sessions:—

“Walter Jones was charged with being on land in search of rabbits. The defendant pleaded guilty. He was sentenced to undergo three weeks' hard labour, to give personal security for £10 for six months, and to find two sureties, each for £5, for the space of twelve months, or in default, six months' imprisonment.”

Now, I may appeal to the House whether there is any portion of our criminal jurisdiction whatever where offences are punished with such tremendous severity.

I have charged that the Game Laws are administered with great partiality. That needs no proof. Of course they are partially administered, because they are administered by the very class who have an interest in the laws they maintain. I have not a word to say against the country gentlemen. They are Englishmen, no better and no worse than their fellows, put in a thoroughly false position, and probably do no worse and no better than any other class in an equally false position would do. Who would consent, in an issue between employer and workmen, to allow the jury to be composed altogether of masters or of tradesmen? The thing is ridiculous. The point is indeed very well put by the *Saturday Review*, when it says:—

“The magistrate who convicts a thief acts in the interest of every man in the court; the magistrate who convicts a poacher commonly acts in the interest of nobody but those on the bench. The number of

magistrates who would consciously pervert the law to convict a poacher is probably very small, but the number of magistrates who unconsciously carry to the bench the passions of the preserve is very large."

A reporter in a Yorkshire Police Court writes to me that he has seen one of the Justices give evidence from the bench in his own case. Again, in a very interesting book, written by Mr. Kay, Q.C., I find the following :—

"I was, a few years ago, at a dinner-table in London, opposite one of the kindest and most genial of men. He had for many years presided as Chairman at the Quarter Sessions of a great game-preserving county. He told us in his hearty way that it had often happened to him that men charged with various offences had been tried before him at sessions, where the case was so weak that he had turned to his brother Justices and said that there was really no sufficient evidence against this man, and that he had been answered 'Oh, you must not let him off, he is a damned poacher!'"

Mr. Kay goes on to say :—

"Of what chance of mercy or of a really fair trial has a known or suspected poacher before such a tribunal. I remember the great and good Sir Thos. Fowell Buxton—over whose land I often shot—once saying to me, 'A poacher has no chance of mercy before these tribunals. I have often had to protest against the sentences pronounced by my brother justices for really trivial offences.'"

I am sorry not to see my hon. friend, the member for North Warwickshire (Mr. Newdegate) in his place, for I had a word or two to say to him, which I will say, although he is not here. He asserted once before, with regard to these cases of hardship, that they are very few, and during the discussion on the Prisons Bill, when he was urging the general good administration and activity of the county Justices, he paid me perhaps the highest, or shall I say the most extravagant, compliment ever paid to any man—for he said, seriously, as I believe, that he honoured the course I had taken in this House, and that he was sure, so long as I remained in it, that there would not be a single case of maladministration on the part of the county Justices which I should not bring forward. Nothing can be more exaggerated than such a supposition. The House would not, and ought not, to allow itself to be made a court of review for all alleged offences of unpaid magistrates all over the country. The course which I have taken has been this—that although I have had innumerable cases brought under my notice, I have never, I think I may say, brought a case forward which

Every year
thousands of
illegalities
unknown to
the public.

I have not substantiated, nor one which was not characterised by gross cruelty or absolute illegality. So far from the cases I have brought forward being the measure of the injustice of the country Justices, I should rather say that there are thousands for every one that I bring forward.

The com-
munity.

Now, as regards the general injury done to the community by the Game Laws, it is not easy to adduce any specific evidence beyond the injury which I have shown to be inflicted on various classes of the community. I would say, generally, that the curse of sterility is on these laws. If he is blessed who makes two blades of corn grow where only one grew before, then he who only allows two to grow where there were previously three, is * *—well he is the other thing. (Laughter.) I will not attempt to calculate the damage. I have heard it put at twenty-five and fifty millions. It is, in fact, simply incalculable, varying greatly with the season, the locality, and above all with the caprice of the landlord. On this point I would venture to appeal to my right hon. friend the member for Greenwich (Mr. Gladstone) for his support. In a letter which he wrote some months since to a large food importer (from Australia), he said :—

“I look upon an augmentation of the supply of animal food, in whatever way it can best be effected, as the most important perhaps of all the questions of purely material interest which now press themselves on public attention.”

In view of that statement, I venture to ask my right hon. friend whether the abolition of the Game Laws has not now become one of the most important of all the questions of purely material interest that now press themselves on public attention. And indeed, when we are told by Mr. Caird that we consume annually £107,000,000 of imported agricultural produce every year, what possible excuse can there be for turning loose these hares and rabbits, which consume such enormous quantities of food? My hon. friend the member for South Norfolk (Mr. Clare Read) declared some years ago that “40,000 more sheep could be easily kept in Norfolk if hares and rabbits were only kept within reasonable bounds.”

Good
farming
impossible.

Another evil which I would quote, beside the positive injury done to the farmer, and the injury to every class of the

community, is the fact that the Game Law system is utterly incompatible with high farming. It is obvious that it must be so, for the larger the crop the greater the power of vermin to damage it. Besides, there can be no doubt that enterprising farmers will hardly care to invest much in a farm where a large head of game is preserved. ("Oh, oh!") Well, if hon. gentlemen want my authority, I will quote what Mr. Pusey said before the Committee of 1846 :—

"I have seldom had less on my hands than 2,000 acres, and I have enclosed 4,000 acres of waste. I found the two occupations of a game preserver and an improver of land by planting and farming perfectly incompatible."

Again, he says, as a sort of illustration of the damage done by game :—

"I allowed my gamekeeper to have four acres of land near the covers rent free; but he was obliged to give it up, the game injured him so much."

Actually, a little spot of land round these covers given to a man rent free was absolutely valueless.

Now, my hon. friend the member for North Warwickshire (Mr. Newdegate) said on the last occasion when this matter was debated in this House, that all this was very well before the Corn Laws were repealed, but that now they were repealed, and we had the power of getting free corn from all parts of the world, that it was ridiculous to talk about the damage to the community by this loss. That is so bad an argument that I hardly know how to answer it; but I will try to do so by venturing on an illustration. You tie a man's two arms behind his back, and turn him out to earn his living. He rebels, protests, objects, and, as a matter of great favour, you cut one arm free. Growing bolder by this concession, he asks to have the other freed, and then you say, "Ungrateful scoundrel, did not I free one arm, and here you have the impudence to ask for the other." Please God we will free both arms before long! (Loud cheers.)

There is one other point to which I should wish briefly to allude—the utter disturbance of all the usual processes of nature, so far as our *fauna* are concerned, by your system of Game Laws. In order to keep up your game you destroy

all kinds of predatory birds and animals, and you not only so lose a great element of the picturesque in the country, but you do a great injury to the science of natural history, while you do positive injury to the farmer through the increase of vermin which these creatures would naturally prey upon. While you destroy hawks, weasels, and owls, the farmer is eaten up by rats, mice, and pigeons. No one knows more about this matter than the Rev. F. O. Morris, and he writes:—

Increase of
vermin.

“Six stacks of corn were thrashed out on one day and one the following, and no less than six stone of mice were destroyed on the occasion, besides the number killed by dogs—in all some 2,000 killed in two days or less, on a portion only of the stacks at one farmstead. The rats feed in the winter on the corn put down in the woods for the pheasants, and increase and multiply to a ruinous extent. Their natural enemies—the weasels, stoats, owls, kestrels, and other hawks—are most cruelly destroyed by pole traps, and others set on the ground; and as to the damage done by hares and rabbits to growing crops in fields adjoining woods, it is most grievous.”

Why, the fact is, in any other country than ours, did such a nuisance affecting the life and property of the nation exist, we should put a price upon the head of these vermin and destroy them.

In this next paragraph will hon. members please read for tigers the word hares. (Laughter and cheers.) Dr. Hunter, the Director-General of Statistics to the Government of India, states that the ravages of tigers form one of the obstacles to the extension of civilization. Already the Indian Government offers large premiums for the destruction of wild animals, and those Nawabs and Rajahs who still pride themselves upon retaining preserves of savage beasts for hunting purposes ought to subordinate the gratification of their tastes to the public welfare. (Cheers.) In Australia they are nearly devoured by rabbits, and accordingly the Legislature has interfered and passed a rabbit-suppression bill. They have authorised the common “Shire Councils” to levy a rate of 1d. per acre to defray the expense of killing them. All brushwood fences in a rabbit district are to be burnt down, at the option of the inspectors, and any one turning rabbits loose is liable to a fine of £10 for each offence.

Now, Sir, I am often asked why I go in for so extreme a measure?—why I don't attempt something moderate, which I should have a chance of carrying? My answer in the first place is, that no modification of the Game Laws can effect any good purpose, for this precise reason, that all the evils that I have described arise from the excessive head of "game," and nothing but a destruction of a large part of this superfluity can effect the purposes desired. My motion is also moderate, in the sense that it would destroy two extremes—it would put down the battue system, and would take away all employment from the poacher. Now I am not alone in this opinion. Lord Hatherley stated—

Nothing
effective but
abolition.

"I do not believe that the great grievance arising from the Game Laws can be relieved by any palliations, and therefore they must be entirely got rid of."

And my hon. friend the member for Bury St. Edmund's (Mr. Greene)—whose absence I regret, and whose genial criticism I should have been very happy to be subject to this evening—said, on the last occasion I brought this subject forward—

"There was no step between the maintenance of the Game Laws and the proposals on the subject by the hon. member for Leicester. Either it was right that game should be preserved, or it was wrong. If it was wrong the system should be attacked."

Now I know it is the fashion to attempt to frighten farmers by talking about the dangers of trespass if the Game Laws were abolished, but the dangers of trespass have nothing to do with the matter. I am not now discussing the trespass laws—they may or they may not be sufficiently stringent—but this I do know, that if the Acts which I propose to abolish were done away with, there would obviously be far less temptation to trespass than there is now, as the farmers will very quickly see when they have no landlords to preside over their deliberations. For instance, Mr. Hewitt said at the Sussex Chamber of Agriculture—

Trespass.

"Lord Malmesbury said if the Game Laws were abolished, the fact would necessitate a severe trespass law, and increase the rural constabulary by some 10,000 or 15,000 men. ("Oh, oh!") He was glad to hear that significant cry, for he believed there was not a tenant farmer in the hall who was so insane as to put any credence in the reckless statement of Lord Malmesbury. As farmers they knew that

if the temptations to poach were removed, that crime would gradually decrease.”

I will also quote on this point the testimony of another gentleman, who, with the exception of my right hon. friend the member for Birmingham, has perhaps done more than any one against these atrocious laws—the late Mr. Welford. He said—

“No trespasses other than game trespasses are ever committed in England which the law does not effectually prevent or punish. But a trespass law for the purpose of protecting game—or making privileged certain kinds of wild creatures—is a demand to which no tolerance should be given. There is nothing that would do more to sweeten the breath of rural society, and pave the way for good and right feeling amongst all classes in our agricultural districts, than the repeal of the Game Laws.”

Now the impossibility of dealing in a small way with these Game Laws is also fully illustrated by the fact that, after all the inquiries and committees that we have had, nothing has been done.

The fact that I have alluded to of the impossibility of really diminishing the evils of the Game Laws by so-called moderate reforms of them perhaps accounts for the fact that so little has been done to carry out the recommendations adopted in the reports of either of the Committees of 1846 and 1873, and that that little has been practically useless. My hon. friend the member for Linlithgow (Mr. McLagan) is to be complimented upon the zeal and energy with which he carried through his Game Law Amendment Act (Scotland), but I am sure he would agree with me that he only touched upon the fringe of the real question, useful as no doubt his Act will be, in to some degree facilitating compensation, and in transferring the tribunal from the justices to the sheriffs. In regard to the recommendations of the Committees to which I have alluded, I will just mention the abolition of cumulative penalties. This was recommended in both reports but remains untouched. Regarding rabbits as vermin, as recommended in the report of 1873, nothing has been done. The abominable system under which the informer gets half the penalty—a gross injustice to the accused, and a terrible temptation to the gamekeeper—this, too, was recommended to be altered by both Committees, but

Preservers
have
refused all
modification.

Recommendations of the
Parliamentary Committees.

remains untouched. But, finally, I will give the House the most extraordinary illustration of the impossibility of obtaining any reform of the Game Laws that could possibly be imagined. Of course the House is well aware that it is under the Night Poaching Act that the most severe—I might add atrocious—sentences are inflicted. Seven years' penal servitude is the penalty for taking a rabbit, without the least pretence or show of violence committed or intended, if at night. The Committee of 1846 reported in favour of a mitigation of this law, but nothing was done. The Committee of 1873, in a report drawn up by a member of the Government (Mr. Ward Hunt), renewed the recommendation, but nothing was done in the matter. Well, last year some excitement was produced by the fact that a Scotch farmer was under this Act sentenced to imprisonment with hard labour for trying to snare a rabbit just outside his own hedge.

A Scotch member brought up a question on the subject, and the Home Secretary said he was prepared to bring in a Bill to modify that law. He did bring in a Bill, declaring that, when there was no evidence whatever that violence was committed or was intended, that the punishment for night poaching should be reduced to what it would have been if the offence had been committed in the day time. I at once rose and suggested to the right hon. gentleman that, however desirable it might be thus to assist the Scotch farmers, that the English farmers had every right to the same privilege, and that he surely would not dream of passing a Bill for Scotland which did not extend to England. After some consultation, the Lord Advocate frankly accepted that alteration, and promised, if I would withdraw my opposition to the second reading, that he would pledge himself to bring in a Bill extending the change to Great Britain. I was, unfortunately, ill at that period, and had no opportunity of watching exactly how the matter went, but I know, in the first place, that this fairly moderate piece of legislation was altered down to absolute nothingness and meaninglessness. It was provided, in the first place, that the poacher must be alone, and that he must have no nets with him,

No hope from
the present
Government.

so that it amounted to this, that if he proved he was not a poacher, he should only be punished as if he had been caught poaching in the day time. But even this was too strong for the game preservers, and the Bill was officially burked at seven o'clock in the morning one day in August.

No doubt it may be said, when the Government saw it had been reduced by their friends to so simple a matter, they resolved to put it on one side, and to deal with the matter in the Criminal Code Bill. But on examining that Bill I find in it the same atrocious clause, and it is still proposed that a man should be liable for seven years' transportation for taking a rabbit at night. (Cheers). While that clause remains in that Bill I promise it my most unmitigated opposition, and I will stop short of nothing but that never-to-be-mentioned horror of having my humble name mentioned by you, sir. (Cheers and laughter.)

In fact the only important alteration in the law of late years has been an alteration of the most aggravating severity, and that is the Act of 1862, called the Poaching Prevention Act. This Act did a great deal towards making game property, in that it turned policemen into gamekeepers, while it actually disregarded the vital principle of our jurisprudence, that a man shall be deemed innocent until he is proved guilty. At present any poor labourer wandering along the road with a bag on his back may be stopped by any zealous policeman, who can claim the right to search him in order to see whether he has or has not game upon him. The Commissioner of the *Norfolk News* said—

“As I have seen and heard much of the evil of game preserving I will add one or two facts of which I was reminded by my informant in Suffolk, who has had large experience in game districts. He ascribed much evil to the Poaching Prevention Act, by which policemen were turned into gamekeepers, paid by the county and the State. This Act has so operated that while game preserving is as rampant as ever, gamekeepers are less and less in request, their places being supplied by policemen. He assured me that a little while ago in the *Field* newspaper he observed sixty advertisements by gamekeepers out of situations, and only two by gentlemen requiring gamekeepers.”

Probably the audacity of class legislation was never manifested in a more distinct manner than in this case, when, having first confiscated the property of the people in the

The new Criminal Code.

An unconstitutional law.

wild animals of the country, the country gentlemen then forced the people to pay for the preservation of the stolen property. (Cheers.)

Two propositions have been made under which the present Game Laws might be abolished; one to make game property, the other to ~~put~~ a stringent trespass law. It is not worth while to waste time in discussing these propositions, as each of them is simply a suggestion to renew the Game Laws with all their evils under another name. To make game property would simply be to repeat and enhance the injustice of confiscating the property of the people in wild animals, while the stringent trespass law is simply that which already exists under the name of a Game Law; in fact the Game Law Code is nothing but a stringent trespass law. As I have already said, if you want to reduce the evil you must reduce the head of game. A much more valuable change which has been suggested, is to remove ground game from the protection of the Acts, and to leave winged game only under their protection.

Proposed changes.

Ground game.

I cannot accept the principle that ground game is the only description which does damage; immense harm is done by winged game also. The Bishop of Manchester writes:—

“Ground game does most hurt to the farmer; winged game does most hurt to the peasantry.”

I apprehend also that of the 10,000 men convicted annually, far more are victims to pheasants than to hares. Mr. Hammerton, of the Warwickshire Farmers' Club, declared that he had heard farmers say they had had gamekeepers hatching and increasing game for months on their farms, and when they began to peck their food and were not able to fly, they were taken in baskets and set down in the middle of the fields to eat corn. Mr. Fisher, a Scotch farmer, said before the Committee that

Winged game.

“A man in the highlands had his entire crop destroyed by grouse.”

While admitting that the damage done by ground game is incomparably the greater, my objection to this change is a fatal one—viz., that it is impossible to make any legal distinction between different kinds of game. It would be

clearly impossible to discriminate whether a man was in search of ground game, unprotected by the law, or pheasants, which still enjoyed protection as game. The landlord will be sure to say that the man is after winged game, the trespasser will declare he is after ground game, and while there is a great head of game left on the land, not only will the evil to the farmer be undiminished, but the evil of poaching and of trespassing will be neither diminished nor done away with. We say simply, to abolish the Game Laws is the only way to mitigate the evil.

Now this is my indictment against the Game Law system. It is a strong one; I believe it is a true and unexaggerated one. I have carried the House through the various classes affected by the law up to the whole of the community. I cannot hope that I have converted the House to my views. The House will perhaps excuse me for saying that if there be any subject in this House on which it could hardly be expected to exhibit absolute impartiality, it would be on one relating to sport and the Game Laws. But if I have not converted them, and if we cannot get rid of these laws from within, we must seek assistance from without. I find an historical parallel which encourages me in this hope. We are told that many hundred years ago the Balearic Islanders were overrun and eaten up by rabbits, which could not be slain by the natives because they were sacred animals. It is interesting to the philosophic observer to notice the continuity of certain religious ideas. The rabbit is as sacred now as it was before the Christian era. Well, the Balearic Islanders found they must get rid of the rabbits, because rabbits and religion together would have been their ruin. (Laughter.) We are told that they sent to Rome for soldiers to do their business, who had no religious scruples on the subject. It is what I propose to do. But the Rome to which we shall have to send is not further removed than our agricultural districts, and the soldiers who will do our business will be the enfranchised agricultural labourers. (Cheers.)

I beg leave to move, sir, "That in the opinion of this House the existing Game Law Code, maintained for the purpose of preserving certain wild animals for sport, is unjust

An example
from history.

The Resolu-
tion.

to the farmer, demoralising to the labourer, and injurious to the whole community, and should therefore be abolished."

At the close of the debate,

Mr. Taylor said a few words by way of reply. He observed that after the great length at which he had troubled the House, he would not have said a word in reply, had it not been for the special challenge of the hon. member for Berks (Mr. Walter.) That hon. gentleman had entered into historical and antiquarian research, and had endeavoured to trace to the Danish ancestry of the inhabitants of Leicester, the reasons which had made their representative the special friend of the poacher. He must say that if the poachers regarded him as their friend, it must be upon the curious ground that he proposed to destroy their industry, and to render their profession impossible for the future. He (Mr. Taylor) remembered that some years ago, a petition was forwarded to him from Leicester for presentation, against the Game Laws, and he was informed at the time that several well-known professional poachers had declined to sign the petition on the ground that the abolition of the Game Laws would be the destruction of their industry. The hon. gentleman the member for Berks had pointedly asked him, Who could have a better right to kill the game than those who paid for its support? To this he would say, in the first place, that part of his charge was that those who claimed property in the game were often not those who really paid for its maintenance; but beyond this, he would remind the hon. gentleman that there were many in (and more out of) that House who did not hold with the claim of landowners to do in all respects what they liked with their land; who held that land was not the proper subject for absolute proprietorship; that in fact it was held in trust for the advantage of the whole community; and that if it could be shown that in any respect its management was inconsistent with the public advantage, ground sufficient had been shown for change. He congratulated the House and the country upon the evidence that this debate had shown of the great progress that had been made, both in the House and out of it, in regard to this question—hares and rabbits had been given up on all sides. He said "out of it" in considera-

tion of the number of members who had declared that they would vote for his resolution, although not agreeing in its terms, thus showing most satisfactorily the importance that their constituencies attached to the abolition of the Game Laws. (Cheers.)

THE DIVISION.

AYES, 87; NOES, 160.

FOR MR. TAYLOR'S MOTION.

Acland, Sir Thomas Dyke	40	Harrison, Chas. (Bewdley)
Allen, W. Shepherd		Harrison, J. Forts. (Kilmk.)
Anderson, George		Havelock, Sir Henry
Balfour, Sir Geo. (Kinerdsh.)		Hill, T. Rowley (Worcester)
5 Barclay, James W. (Forfarsh.)		Hopwood, Charles Henry
Barran, John	45	Howard, E. Stffd. (Cumb. E.)
Bell, Isaac Lowthian		Howard, G. J. (Cumb. E.)
Biggar, Joseph Gillis		Hutchinson, John Dyson
Blake, Thomas		Jenkins, David J. (Penryn)
10 Bright, Jacob (Manchester)		Johnstone, Sir H. (Scarb.)
Bright, Rt. Hn. John (Bmgn.)	50	Kenealy, Dr.
Brogden, Alexander		Lawrence, Sir J. C. (Lamb.)
Brown, Alexdr. H. (Wenlock)		Lawson, Sir Wilfrid
Bruce, Lord Charles (Marl.)		Lea, Thomas (Donegal)
15 Burt, Thomas		Lusk, Sir Andrew
Callan, Philip	55	M'Carthy, Justin (Lngfrd.)
Cameron, Charles (Glasgow)		Macdonald, Alexander
Chadwick, David		M'Arthur, Alexander (Leic.)
Chamberlain, Joseph		M'Arthur, Wm. (Lambeth)
20 Chambers, Sir Thomas		M'Clure, Sir Thomas
Courtney, Leonard Henry	60	M'Kenna, Sir Joseph Neal
Cowen, Joseph (Newcastle)		Mellor, Thomas W.
Davies, David (Cardigan)		Morley, Samuel
Dilke, Sir Charles Wentworth		Mundella, Anthony John
25 Dundas, Hon. John Charles		Muntz, Philip Henry
Earp, Thomas	65	Noel, Ernest (Dumfries)
Edge, Samuel Rathbone		Nolan, Major
Fawcett, Henry		O'Donoghue, The
Finigan, James Lysaght		O'Shaughnessy, Richard
30 Fitzmaurice, Lord Edmond		Otway, Arthur John
Forster, Sir Chas. (Walsall)	70	Palmer, George (Reading)
Fothergill, Richard		Pennington, Frederick
Fry, Lewis		Philips, R. Needham
Gladstone, W. H. (Whitby)		Richard, Henry
35 Gordon, Sir Alex. (Abrdn. E.)		Roberts, John
Gourley, Edward Temperley	75	Samuelson, Henry (Frome)
Grant, Andrew (Leith)		Sheridan, Henry B.
Grosvenor, Lord Richard		Simon, Mr. Serjeant
Harcourt, Sir W. V. (Oxf. City)		Stewart, James (Greenock)

Sullivan, Alexander M. Waddy, Samuel Danks
 80Tennant, Charles (Glasgow) 85Waterlow, Sir Sydney H.
 Torrens, W. T. M'Cullagh Wedderburn, Sir David
 Tracy, Hon. F. S. A. Hnby.— Williams, W. (Denbigh)
 Trevelyan, George Otto
 Tellers for the Ayes, Mr. P. A. Taylor and Sir George
 Campbell.

AGAINST.

Agnew, Robert Vans	Cuninghame, Sir Wm. (Ayr)
Allcroft, John Derby	Dalkeith, Earl of
Anstruther, Sir W. (L'k.)	Dalrymple, Charles
Arkwright, A. P. (Derby, N.)	40Davenport, W. Bromley
5Arkwright, F. (Derby, E.)	Denison, W. E. (Nottingham.)
Ashbury, James Lloyd	Dickson, Major A. G. (Dover)
Barelay, A. C. (Taunton)	Dyke, Sir William Hart
Barrington, Viscount	Edmondstone, Adm. Sir Wm.
Bates, Edward	45Egerton, Hon. Alg. Fulke
10Bateson, Sir Thomas	(Lanc., S.)
Beach, Rt. Hon. Sir M. H.	Elphinstone, Sir Jas. D. H.
(Glo. E.)	Emlyn, Viscount
Beach, W. W. Bramst.	Errington, George
(Hants, N.)	Estcourt, George Sotheron
Bentinck, Rt. Hon. G. C.	50Evans, Thomas William
(Whit'n)	Folkestone, Viscount
Beresford, Ld. C. (Waterfrd.)	Forester, Cecil Theod. Weld
15Birkbeck, Edward	Freshfield, Charles Kaye
Birley, Hugh	Garfit, Thomas
Blackburne, Col. Jn. Ireland	55Gathorne-Hardy, Hon. A.
Boord, Thomas William	(Cant.)
Bousfield, Colonel	Gibson, Rt. Hon. Edward
20Bowen, James Bevan	Giffard, Sir Hard. Stanley
Bowyer, Sir George	Gilpin, Sir Richd. Thomas
Brise, Colonel Ruggles	Goldney, Gabriel
Broadley, Wm. H. Harrison	60Gordon, William (Chelsea)
Bulwer, James R.	Gregory, George B.
25Burghley, Lord	Hall, Alexander William
Buxton, Sir Robert Jacob	Halsey, Thomas Frederick
Campbell, Lrd. C. (Argyllsh.)	Hamilton, Rt. Hon. Lord G.
Cartwright, Frfx. (Nthmptn.)	(Midx.)
Cecil, Lord Eustace H. B. G.	65Hamilton, Marq. of (Donegl.)
30Chaplin, Hy. (Lincolnsh. M.)	Hamilton, Hon. R. B. (Berw.)
Colebrooke, Sir Thomas Ed.	Hamond, Charles Frederic
Cordes, Thomas	Hanbury, Robert William
Corry, James Porter (Blfst.)	Hay, Rt. Hon. Sir J. C. D.
Cortauld, George	70Herbert, Hon. S. (Wilton)
35Crichton, Viscount	Hicks, Edward
Cross, Rt. Hon. Rd. A.	Hildyard, T. B. Thoroton
(Lanc., S. W.)	Hill, Alex. S. (Staffrd. W.)

- Holland, Sir H. T. (Midhurst)
 75 Holmesdale, Viscount
 Hope, Alex. J. B. Beresfd.
 Isaac, Saul
 Johnson, John G. (Exeter)
 Johnstone, Hope (Dumfries)
 80 Jolliffe, Hon. Sydney
 Kavanagh, Arthur MacM.
 Kennaway, Sir John Henry
 Kingscote, Colonel
 Knowles, Thomas
 85 Learmonth, Alexander
 Legh, Wm. John (Chesh. E.)
 Lindsay, Col. R. L. (Berks.)
 Lloyd, Sampson (Plymouth)
 Lloyd, T. E. (Cardiganshire)
 90 Lopes, Sir Massey
 Lowther, Rt. Hon. J. (York)
 Macartney, J. W. Ellison
 Mackintosh, Charles Fraser
 M'Garel-Hogg, Sir James
 95 Manners, Rt. Hon. Lord John
 Marjoribanks, Sir Dudley C.
 Marten, A. George (Cam. B.)
 Master, Thos. Wm. Chester
 Merewether, Charles George
 100 Miles, Sir Philip John Wm.
 Mills, Sir C. H. (Kent, W.)
 Monk, Charles James
 Montgomerie, R. (Ayrshire)
 Moray, Colonel Drummond
 105 Mowbray, Rt. Hon. J. R.
 Naghten, Lieut.-Colonel
 Newport, Viscount
 North, Colonel
 Northcote, Rt. Hn. Sir S. H.
 110 Paget, Richard Horner
 Parker, Lt.-Col. W. (Suff. W.)
 Pell, Albert
 Pemberton, Edward Leigh
 Phipps, Pickering
 115 Pim, Captain Bedford
 Price, Captain (Devonport)
 Raikes, Henry Cecil
 Read, Clare S. (Norfolk. S.)
 Ridley, Sir M. W. (N. Hants. N.)
 120 Ritchie, Charles Thomson
 Rodwell, Benj. Bridges H.
 Round, James
 Sackville, Sackville G. S.
 Salt, Thomas
 125 Sandon, Viscount
 Selater-Booth, Rt. Hon. G.
 Scott, M. D. (Sussex, E.)
 Selwin-Ibbetson, Sir H. J.
 Severne, John Edmund
 130 Shute, General
 Smith, Abel (Herts)
 Smith, S. Geo. (Aylesbury)
 Smith, Rt. Hon. W. H. (West.)
 Somerset, Lord Henry R. C.
 135 Spinks, Mr. Serjeant
 Stanhope, Hon. E. (Linc. M.)
 Stanhope, W. T. W. S.
 (York, W. R.)
 Stanley, Rt. Hon. Col. Fredk.
 Stanton, Alfred John
 140 Stewart, Mark J. (Wigton)
 Storer, George
 Talbot, Chris. R. M. (Glam.)
 Talbot, John G. (Oxf. Univ.)
 Taylor, Rt. Hon. Col.
 (Dublin Co.)
 145 Tennant, Robert (Leeds)
 Thynne, Lord Henry Fred.
 Tremayne, J. (Cornwall, E.)
 Wait, William Killigrew
 Walker, T. Eades (Worc. E.)
 150 Walsh, Hon. Arthur
 Watson, Rt. Hon. William
 Wheelhouse, William S. J.
 Whitley, Edward
 Wilmot, Sir H. (Derbysh. S.)
 155 Wilmot, Sir J. E. (Warw. S.)
 Winn, Rowland (Linc. N.)
 Wynn, C. W. Wms. (Mont.)
 Yarmouth, Earl of
 Yeaman, James
 160 Yorke, John Reginald

Tellers for the Noes, Sir Walter Barttelot and Earl Percy.

